

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6762 of 2016

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Pradeep Kumar, Son of Late Deenanath Prasad, Resident of Village and
P.O.- Lagunaha, P.S.- Bagha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Manager, Bihar State Food and Civil Supply Corporation, Sitamarhi.
3. The Certificate Officer, Sitamarhi.
4. The Officer Incharge, Dumra Police Station, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-24
For the Respondent-BSFC : Mr. Aditya Prakash Sahay

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 20-05-2016

Mr. Rajeev Kumar Labh, learned counsel appearing
for the petitioner, Mr. Sunil Kumar Mandal, learned Standing
Counsel No.24 for the State and Mr. Aditya Prakash Sahay,
learned counsel appearing for the Corporation are present and
have been heard.

Although the petitioner has filed this writ petition
questioning the validity of the certificate proceedings bearing
Certificate Case No.20 of 2014-15 pending before the District
Certificate Officer, Sitamarhi for recovery of an amount of
Rs.52,72,077/- stated to be the price of custom milled rice
payable to the Corporation but when the matter is taken up for
consideration it is submitted by Mr. Labh, learned counsel



appearing for the petitioner that the petitioner has already made payment of Rs.10,55,000/- out of the certificate amount and is also ready to pay the balance amount in instalments. He further submits that there are certain adjustment has to be made in favour of the petitioner towards the transportation and handling charges, which has not been accounted for by the Certificate Officer.

Having heard learned counsel for the parties and considering the circumstances where the petitioner has come forward to deposit the certificate amount albeit by way of instalments in my opinion, it would be proper for the petitioner to file an appropriate application under rule 56 of 'the Rules' framed under section 47 of the Bihar and Orissa Public Demands Recovery Act, 2014 containing his offer of payment in instalments before the Certificate Officer and also explain the adjustment to which he is entitled. Considering the positive conduct of the petitioner, the District Certificate Officer, Sitamarhi shall consider the prayer of the petitioner and dispose of the same in accordance with law.

In the nature of the order so passed, the distress warrant so issued against the petitioner vide order passed on 11.4.2016 shall remain stayed.

It is made clear that the petitioner should file his application within three weeks from today, failing which this order shall stand recalled.

This writ petition is allowed subject to the stipulations aforementioned.

(Jyoti Saran, J)

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